

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

October 10, 2005

7:00 p.m.

The Council and all in attendance recited the Pledge of Allegiance.

President Albier: "Would you call the roll Mr. Fisk?"

Clerk Fisk: "Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."

Councilman Albier: "Here."
Councilwoman Pucci: "Here."
Councilwoman Brown: "Here."
Councilwoman Gallagher: "Here."
Councilman G. Frey: "Here."
Councilman Coyne: "Here."
Councilman J. Frey: "Here."

President Albier: "Now before we get started, the Mayor has asked to give a proclamation, so we'll let the Mayor do his proclamation first."

Mayor Patton: "I'd like to honor a Brooklyn resident for quite an outstanding achievement this evening. I wonder if Lynn Wieland and her husband would come forward. Mayor's Proclamation. To honor and recognize Brooklyn resident Lynn Wieland on receiving a Congressional appointment to the White House Conference on Aging. Whereas, Mrs. Wieland was recommended by Senator George Voinovich and appointed by Congressman Dennis Kucinich, along with 1200 delegates from across the country, to participate in the 2005 White House Conference on Aging, the fifth in our nation's history. And whereas, delegates will vote on resolutions and develop implementation strategies, such as the Older Americans Act and Medicare, that will help the President and Congress shape aging policy for the next 10 years and beyond. And whereas, Mrs. Wieland is employed by Cuyahoga County as a program administrator, and manages the Office on Aging at the Department of Senior and Adult Services. Now, therefore, I, Mayor Kenneth E. Patton, and on behalf of the Brooklyn City Council and the residents of the City of Brooklyn, do hereby extend sincere congratulations to Mrs. Lynn Wieland on her Congressional appointment to the White House Conference on Aging. Thank you for your years of dedicated service. Congratulations."

President Albier: "Tonight's agenda will be: bid approval for Memphis Parkway; a liquor permit request at Carrabba's; Ordinance #2005-35, Establishing the Ferrous/Gateway Roadway Construction Fund; Ordinance #2005-37 is incorrect, it should be amended to be Ordinance 2005-38, and that's the Amended Annual Appropriations; and other matters that may come before Council."

Councilwoman Pucci: "Do you need a motion to amend that Agenda?"

Councilman J. Frey: "Second."

President Albier: "Okay."

Councilwoman Pucci: "I move to amend the agenda, striking 37 and inserting 38."

Councilman J. Frey: "Second."

Councilwoman Brown: "Second."

Clerk Fisk: "To amend the agenda to Ordinance 2005-38, Rich Albier." Councilman Albier: "Yea."
"Kathy Pucci." Councilwoman Pucci: "Yea."
"Rita Brown." Councilwoman Brown: "Yea."
"Colleen Gallagher." Councilwoman Gallagher: "Yea."
"Greg Frey." Councilman G. Frey: "Yea."
"Tom Coyne." Councilman Coyne: "Yea."
"John Frey." Councilman J. Frey: "Yea."

President Albier: "We'll now have the approval of the September 26th minutes."

Councilwoman Pucci: "Mr. Balbier, may I be recognized?"

President Balbier: "Yes Mrs. Pucci."

Councilwoman Pucci: "There's just one very minor change that Mary-Jo actually has already corrected on her copy. And that's just on page 10, by Ms. Balzer's name. It says Commissioner, and Mary-Jo has already corrected that. So I move we approve as amended."

Councilwoman Gallagher: "Second."

Councilwoman Brown: "Second."

Clerk Fisk: "To approve the minutes as amended, Rich Balbier."	Councilman Balbier: "Yea."
"Kathy Pucci."	Councilwoman Pucci: "Yea."
"Rita Brown."	Councilwoman Brown: "Yea."
"Colleen Gallagher."	Councilwoman Gallagher: "Yea."
"Greg Frey."	Councilman G. Frey: "Yea."
"Tom Coyne."	Councilman Coyne: "Yea."
"John Frey."	Councilman J. Frey: "Yea."

President Balbier: "We'll now have the public session. Anybody that has anything to say for the good and welfare of the City of Brooklyn, please come forward, state your name and address, and we have a three minute limit."

Shirley Palumbo: "Hi, my name is Shirley Palumbo, and I live at 10218 Micka Drive. I'm president of the Brooklyn Animal Shelter volunteers, and I'm here tonight for one thing, to remind you that we will be selling tickets for our spaghetti dinner, which is Howl at the Moon, at McG's Pub and Grub on Memphis, this Saturday at Giant Eagle from 11:30-3:30. So I hope that you can make it up there and buy your tickets, it's a fun evening for all. My second item to discuss tonight is a little update on what's going on with the shelter. I've been asked by many people what progress have you been making since you started raising money. In all honesty, I have gone back and forth with drawings to City Hall a number of times, of my plans for the shelter, and I've changed them to accommodate different needs that I was told about. And I talked to Mr. Ockington about putting up a steel building, because I was told that that would cost a lot less money. And I have since found out that a steel building is not feasible for an animal shelter. So I have talked to this construction company, because Mr. Ockington asked me to go and bring in a construction company that deals with steel buildings, and is a turn-key operation. A turn-key operation is one that you open the door and the building's done, you don't have to do anything else. And this company fit that description. But as we began talking about the animal shelter, they gave me some advise, and they told me that what I would be looking at would not be a steel building, it would be a different sort with cement blocks and singled roof and wooden trusses. However, one of the partners of this company is president of the animal shelter out in Franklin County, I believe it is, and she is building an animal shelter out there. So she looked at my drawings and she thought they were really good. And what they're going to do is they're going to make a cad drawing, and that's what I'm going to submit to Mr. Ockington. Now here's my question. What happens then? The drawings go to Mr. Ockington, and Mr. Kappler and Mr. Ockington go out for bids for these things? How does that work? Because I'm not really sure what's going on here."

Mayor Patton: "Mr. Ockington receives the drawings, he then sends them to a plan examiner. Once they are approved, with comment, if there's corrections or what have you, then it would go out for bid. Mr. Shaper wants to interject."

Director Shaper: "I think you want to go to an architect, don't you, before you even talk about..."

Mayor Patton: "Yes, architect drawings to the planning review, second."

Director Shaper: "As well as the engineer?"

Mrs. Palumbo: "Well what happened to, remember you said that the architects for the fire station were going to do this shelter for free?"

Mayor Patton: "They never agreed to that."

Mrs. Palumbo: "They never agreed to it?"

Mayor Patton: "No."

Mrs. Palumbo: "Okay. Well I must have misunderstood you. Okay. Then after that, what kind of timeframe are we talking about for this building?"

Mayor Patton: "Okay, Tom, why don't you update."

Director Shaper: "I'm going to give an update as best as I can. Now, understand, we have a situation where we have the city as one entity, the committee as another, and this is not something that is in writing, and it's not, I can't even update on that which I don't know. What I can tell you is, it's my understanding from participating and watching, that it appeared Council appropriated \$56,000 under the concept that matching funds would be raised by the committee. And if anyone wants to stop me as I'm speaking, please do, because I don't want to recite anything that's wrong. I'm trying to express, I believe, Council and the Administration's intent to work with the animal shelter in order that we can have a first class project that everybody here is on the same page on. Now, the reason why I caution the Mayor on going out to bid is for the following reason. As a Law Director, and looking out for the Finance Director, I don't want the City of Brooklyn to go out to bid without knowing how this thing is going to ultimately be paid. Right now there's \$56,000 appropriated, under the assumption we can get a building built for \$112,000. If we go out to bid, the next question's going to be, what happens when the bid comes in? Bidding is not something I know everything about, but I do know that when somebody comes in with a bid, it's good for x amount of period of time. We've seen from the fire station materials escalate with gas prices, materials escalate with oil, etc. My point is, when this bid comes in... For the sake of argument let's say the bid comes in at \$115,000. If we're guessing 112, my guess is it comes in at over 112. Just the way life is. Now, when it comes in at 115, and again, hypothetically speaking, we know Council, in an effort to allow the animal shelter to raise funds, gave a letter that says we are committed, we have appropriated \$56,000. There has been no assumption, that I'm aware of, saying we as a city are fronting the remainder to be paid back over a period of time, or anything like that. I don't know how the city intends to go out to bid without knowing that the funds are there, the remainder. I think, and I'm not trying to be the front man on this, but somebody asked me, the Mayor asked me to give an update, and I answer to the Mayor, and I am trying to get everybody's opinion on this; I think what we want to do is have an architect okay the plans that Shirley has been kind enough to provide us with, and Shirley has been working night and day on this, and that is eliminating a lot of the work that we have to do. And I want to thank you for that. What we have to do is take those to the architect, take those to our engineer, make sure that whatever building it is straddles the following. It has to meet the city's approval. We have standards that are applied to all the buildings that we have in the city. It has to be functional as an animal shelter, and that involves a number of things, including the HVAC system in a building. Meaning the airflow is more complex in an animal shelter than in most buildings, because of the hair, because of other things associated with animals. I don't know what the timetable will be. Now Council, this is, you're involved with this, you're part of this. At what point do we go out to bid? Do we go out to bid after the matching funds are there? Do we go out to bid after a percentage of the matching funds are there? I don't know the answer to that, that's not a Law Director's domain. And it's not a Finance Director's domain. We can help, we can assist this, but I have to know the intent of what we're trying to do."

Mayor Patton: "Tom, could I interject here? I met with my staff members, including the Law Director, this past week. We brought up that we thought that approximately at 33%, when the volunteer group gets 33% of their goal, we should go out and have engineering and architectural plans drawn up, at which time they can continue to raise money. Once they get a little bit farther, even up to 50% or maybe even a little more, with Council's blessing, then we will go out for bid. Then before the full amount of the volunteers' funding would come in, we would know what that building's going to cost, and if there has to be a step back to review additional funding on the city's behalf or on the volunteers' behalf, at that time it could be taken care of. So that's where, we were sitting... Again, you know, the permission to front the money was never discussed. But \$56,000 of city money is set aside at this time, in this year's budget, in case you would get a one time

payment from someone that you would cover your full expenses, okay, then we could go. So we are preparing, but we just need some target scheduling, working with you and also with our various entities, Building Department, the engineer and plan and also an architectural planning review."

President Albier: "Okay, thank you."

Mrs. Palumbo: "Is that all my turn?"

President Albier: "Your time's up, but go ahead."

Mrs. Palumbo: "Okay. What I wanted to ask is, okay, I have this Resolution that was drafted for the 56,000. But I talked to this construction company, and they said what else do you have in writing. I mean, is this going to be the city's building and you're paying half of it? That doesn't make sense to me. And I said, well that's the way we set it because the city basically wanted to put up a two-car garage, and we couldn't run a humane shelter and stick all the animals in together. So he suggested that I go back to the city and get it in writing, after I give them the plans, and you guys figure out if it meets your code, and you'll okay a certain kind of building. Then I go out and ask for money. But he also said, why can't your city ask for money from businesses in town, like Home Depot and all those? I mean, you've asked for money to do things before, and you certainly have a lot more clout than I do as one person. So what I'm asking is, what kind of timeframe, once I give you the drawings, am I looking at still this year, or are you talking about next year? Or how long this process is going to take? Because I've already wasted months on drawings, so..."

Mayor Patton: "I wouldn't say any time wasted on this project is wasted. You're going toward a goal, and we're going to succeed and get your goal. We're approaching November, I don't think the building would be excavated this year. We'd need our architectural plans drawn, you'd need an engineer to draw up plans for the sewers and the proper drainage and such, because obviously for an animal shelter you just want to hose things down with disinfectant and what have you. So it's a little more than a regular residential house would be. But we're working on it, we're working with you; but yeah, I think we're at a standstill and we're all scratching our heads, what's in the very next step. Tom, you have something?"

Director Shaper: "Mayor, again, it was my understanding that the reason we appropriated the money was to allow the animal shelter to have a document that would enable them to raise funds. If there's a problem with funds, let's know that right now, so nobody's time is wasted. That I don't want to make it look like Council's slowing this up or that the Administration is slowing this up. When you have appropriated the money, that isn't slowing anything up. And this is not a situation where we're trying to figure out what do we do next, what do we not do next; it was my assumpt...based on what we were told, we thought a building could be put up for approximately \$112,000 and that your end of it was to allocate the \$56,000 to match it. I don't know what steps you can take at this point that you're not taking. If somebody does, tell me. But I'll ask Mr. Fisk, if you want to sign a, if you want to give the Mayor authority to sign a contract for \$112,000 while... Last time I think there's \$7,000 raised by the... Okay, you have 7,000 plus the 56,000 that's allocated. Do you advise the Mayor to sign a contract for 115 at this point?"

Director Fisk: "No. I do not. And as I understand it, our agreement is that we're going to provide half the money, and the animal shelter was going to raise the other half the money. If it's going to be something other than that, we need to know about it, and there's been no discussion about that up until tonight, that I am aware of."

Mrs. Palumbo: "You're missing my point. My point is, if I'm going to go out and ask for money, and I just say the city's going to give me 56,000 they want to know for what. What kind of building are you building? Is it going to be steel, is it going to be wood? I want to know that I can show them, this is what the city's approved. I thought I could do it just by saying they allocated \$56,000 but that's not enough. They want more proof, they want to know what is your agreement with the city. I don't have an agreement to show them. I'm going to raise half the money to build a city building that I have no control over, and the lease that we talked about, they can kick me out in 30 days. So we're not any kind of solid ground here. I mean, I feel like we're at a great disadvantage. And you know, I said I'm willing to meet any time you want and talk about this, my people are willing. But, you know, I need to have all people present and not say they can't make it, and, you know, just need to lay our cards on the table. Because I told you, I would work with you. But nobody called me. I could have gone to that meeting."

President Albier: "Okay Mrs. Palumbo, I think that you and our Law Director and the Mayor should meet next, and Mr. Ockington, next week, and work out all these problems. We can't work them out here at a public discussion tonight. Okay, thank you. Does anyone else care to speak?"

Helen Wilson: "Hi, Helen Wilson, 4555 Williamston. Good evening Mayor Patton, Council President Albier and Councilmembers. The Community Volunteers, Inc., formerly of Deaconess Hospital, have been active since the hospital closed two years ago. They have given money to 20 organizations. As a special tribute to the board members, which I am one, a gift of money has been given to me to foster a cause of my concern. And I chose the City of Brooklyn, the Domestic Violence Committee, because I'm a member of that committee, and I see that this concern has been growing. I'm very proud to be on this committee. The committee has worked hard getting information, presenting a power point program, and establishing a safe room at Parma Hospital. Presently we are gathering data of elder abuse, which is really a hidden problem. We have an excellent committee, under the direction of Councilwoman Colleen Coyne Gallagher. We have lost a couple of members only to relocation, and we have new members, and I think one's here, Judy (Basniak). The former members have only left, not because they wanted to. We need to educate the public more, so I'd like to give this check to the City of Brooklyn of \$1,000 for the development of continuing education and domestic violence literature. This is our second gift as a committee, as a contribution I mean, to heighten the awareness of domestic violence. This community can be especially proud, because we are one of only two communities that have a safe room. One is, we have the safe room at Parma, and Southwest Hospital. We are also proud that we can continue to give education and seminars out to the elderly, the community, and the school systems. And I don't think I've done this, but I want to thank you, Mayor Patton, for choosing me to be on this committee. It has really been an honor, and I really enjoy it. Thank you for letting me speak tonight, and here's your money."

Mayor Patton: "Thank you Helen. Great job."

President Albier: "Thank you. Does anyone else care to speak?"

Ed Zorn: "Ed Zorn, 4878 Autumn Lane. At the last Council meeting the Mayor presented a program through Volunteer Energy to undercut the Dominion East Ohio price of \$13.22, and I don't believe you gave a figure, Mayor, for what that would be. It's a great program, and it's going to benefit the majority of the Brooklynites; however, the only thing I would caution you, is that if you received a letter from Dominion in August, stating you a fixed rate, it is significantly under that 13.22 price, which I believe Volunteer's going to have a tough time beating. So I wouldn't want to see you to go ahead and lose money because you sign up for a program that is going to actually cost you more, especially because it sounds like they're going to be able to opt-in to the Volunteer program anytime anyway. So again, check your letters from Dominion. If you have one that states a fixed price per mcf that's dated in August, I believe it's going to beat the Volunteer Energy price, and it's only for your well-being, and your less expense. Thank you."

President Albier: "Thank you Mr. Zorn. And I understand there's a member here from the Volunteer Energy, if he would like to come forward and bring us up to date."

Mayor Patton: "It's Mr. Michael Kennedy."

President Albier: "And before you get started, Mr. Kennedy, I have lots of phone calls because this information was supposed to be sent out like 10 days ago, and we were told it was going out, and then it didn't go out, and now we understand it was going out this past Friday. So if you could update all of us."

Michael Kennedy: "Yes, thanks. Mike Kennedy, I reside currently in Broadview Hts., Ohio, and born and raised in Cleveland and Parma. But you're right, they did go out late last week, and I think due to Columbus Day today a lot of people may not have received those. So hoping tomorrow that everybody gets a change to get those in the mail. But they definitely did go out, we took them directly to the post office, and they'll be coming in a city envelope. Want to caution you on that fixed price from Dominion. I don't know how long that would be good for, but I'm sure that price was offered before all the damages from the hurricane. And you're probably all wondering why the high cost of gas even before the hurricanes hit. Let me give you a little bit of a history here of what's been going on. The high cost of gas really is due to the price of oil moving. At \$60-65 a barrel, plus India and China using up as much as they can get their hands on, every refinery is out

there, every rig is pumping every drop of oil that they possibly could, prior to the hurricanes. We have a supply and demand problem that we've ignored, particularly at the federal government level, for years. By the way, I spent 14 years at East Ohio Gas myself, in sales and marketing, and I've currently been doing this in the unregulated market for about six years, for Volunteer Energy and Northcoast Energy. As a nation we have a demand of what we call 26 trillion cubic feet of natural gas per year. We're only producing 23, so we're already short three trillion cubic feet. The hurricanes did two trillion cubic feet worth of damage. The other thing that's moving the market is paper traders, people buying stocks, options, index funds. They're what's moving the market now, frantically. I remember when, between year to year, we never saw five to 10 cents worth of difference of a price from year to year; now we're seeing anywhere from \$1 to \$2.15 in any given day, because of the market volatility. There are approximately 4,000 oil and natural gas platforms in the Gulf of Mexico. 2900 of those were affected by both these last two hurricanes. 109 were completely destroyed. 30 drilling rigs completely destroyed. 72% of the oil and natural gas production out there in the gulf is still shut in. 72% of natural gas, 90% of oil, not producing. So that's what's driving the price up. And that's just what we call off shore production, the rigs and the platforms sitting actually out physically in the water. On shore, 30% of our refining capability has been shut in. Pipelines have been damaged. Refineries themselves, the gathering facilities, they're completely in disrepair. So that's what's affecting the price of gas right now. And I think the situation will get better, but the earliest projections are between five and seven months to get the majority of that back on line, much of which will never be brought back on line. We'll have to build new rigs and new platforms. So the situation is not pretty at all. I have a lot of industrial and large commercial accounts, including the City of Brooklyn's municipal buildings. And we save the city, Gale, my estimate is 20-\$30,000 at least per year, I think for the five years that we've had you on the program. So we have trending software we use. We know exactly when the right time to buy is in the market. The Mayor and I have been working for the last two years with the residential program to try to bring an opt-out program to the city. But due to some contractual obligations and commitments to had to NOPEC, that was virtually impossible. We just couldn't have done it. But NOPEC recently just kind of gave us to go ahead, go ahead do that, if we could find a better deal to go ahead, and there would be no repercussions from that. They left the residents here, and every resident in every NOPEC community, stranded last year by not triggering. I think when I first started coming here, gas, I was telling we could get gas for just under the \$6 per mcf market. Currently winter gas alone at the well head is trading for over 14. That's not even including the cost to get it up here to the East Ohio city gate and East Ohio's charges. So it's really not getting to be any more of a bright picture. Would I fix at these high prices? I don't think so. Our trending software indicates that probably by the middle part of winter we should start to see prices soften. They will soften a lot as soon as we get the paper traders to start to sell off, and the market come back down to a place where people like myself actually go out and physically buy the product for everybody to consume. Just as a note here too, starting in April '07, East Ohio has filed with the Public Utilities Commission a memorandum to get out of the gas business all together. They will not be there if you do not select a supplier. One will be chosen to you at about a 20% penalty. That's the way it works in the industrial large commercialry now. If you don't select a supplier you'll go to a default supplier, pay whatever the current tariff rate would have been, plus a 20% penalty. At current prices right now, if I were to estimate the fixed price right now and included all that in there, East Ohio's current tariff rate, I brought that with me here, they just adjusted on October 4th, your residential rate right now is \$15.62. That's what we would call your burner tip rate. Last heating season, the average home uses 114 mcf a year to heat your home, use your dryer, heat your hot water. That's about a \$750 bill is what that cost you in the past. This year, I've been telling people ever since the spring, start to set aside between \$1500-1800 to heat your home for this year. That's what it's going to cost. And that shock is really going to hit in January when winter has a firm hand into you, and the Christmas bills start to come in. That's generally when people start to feel it, about the middle of January. So I feel real bad for all of us. We're all in this boat together. And certainly we all want to do the right thing. A lot of companies right now are offering you multi-year deals at fixed prices. And I think the reason they do that is because there's a lot of fear running out there right now. And I don't think our markets and our economy could really sustain where prices are right now. I have seen plants close, forging shops, everything within the last couple of years. People trying to shift production from two shifts into one. Or try to cram as much as they can in three and four days and then shut down for the balance of the week. I saw a lot of people lose their jobs over it. If you look at Crain's Cleveland Business today, there was an article on a number of heat treaters that I had as customers who are in jeopardy of closing their doors. So it's really... We didn't have a good picture of the economy here before all this, and we certainly haven't had it in the last year with gas prices to where they are. In the spring I pleaded with a lot of my customers to please sign then at seven and eight dollars; most of them did, some did not. They tried to out guess the market and the market's gone up \$5 since then. They have a tendency to, I've been in this business for over 20 years, and people have a tendency to think they can

pick up on it in working with me in two years, and you really can't. There's a lot more than meets the eye here in this business. So I'm here to answer any of your questions. The opt-in letters should, like I said, went out late Thursday, we took them directly to the post office, I'm hoping you all have those tomorrow. It's going to be a variable program. If you'd like to fix the price, I believe we can look at doing that for you, but until we do it as a group as an opt-out, hopefully by next heating season, then hopefully we can start to realize some price softening here and get back to a more normal acceptable level. So I'm here to answer any of your questions if you'd like, or..."

Mayor Patton: "Mr. President."

President Balbier: "Yes Mr. Mayor."

Mayor Patton: "Okay, could you please explain the procedure when a Brooklyn resident sends in their card that they want to opt into this program, explaining that there's no fee going to be paid by them; and also if they decide to go in one year with another supplier that there will be no fee getting out of that."

Mr. Kennedy: "Absolutely. We will not charge you a fee. Once you become... You'd have seven days after you enroll in this program to cancel automatically without any problem whatsoever. After that we require a 30 day notice, because we actually purchase gas a month in advance for you. There's a balancing procedure, and I certainly don't want to get into all the intricacies of that right now. But we purchase a month in advance for you, and as long as we have 30 days notice that you want out, you can go out. The beauty of this program is, if prices do soften, right now you're on a variable program, and at some point we'd like to fix that price, we can do that, or don't feel you have to change suppliers to get a lower price. By the time we purchase the gas for you, and East Ohio adjusts their rate, they adjust monthly now because of all the market volatility, but when they adjust they're actually adjusting for receivables that they're getting in which occurred 90-180 days prior to that, in addition to purchasing the gas they're buying for their gas customers now moving forward. And again, I just want to caution you that East Ohio will not be there as of April '07. In fact they're trying to get that moved up to April '06. So it's going to be a mess. Right now if you left a supplier or didn't sign, you automatically were on the East Ohio rate. The way I understand it, there will be a group of suppliers who will be willing to accept the people that default for doing nothing, not electing a supplier; but again, there'll be a high premium to pay for that, and those are the ones that are going to benefit the most from that. So we're trying to stop the bleeding here as much as we can. I know there's been some programs out there. I can't account for everything that's built into those prices you're hearing about, but I looked at the current price right now from East Ohio, we being almost \$1 less than they are right now, if we were to purchase gas as of the market close today. But we don't. We dollar cost average it over the cost of, over the period of that month, and then come up with a settle price near the end of the month for the following month. So the procedure would be, if you want to be a part of the program, tear off the card, send it in. If you want out at any time, we're not going to charge you any fee to cancel. If you can get a better deal after that, please, go right ahead. In fact, tell us about it, we want to know about it too."

Mayor Patton: "Mike, they need to know that they don't have to call NOPEC, they don't have to call Dominion East Ohio Gas, to get out of the program, that Volunteer Energy Service is going to do that for them."

Mr. Kennedy: "Yeah, we'll do that for you. There's an 800 number that will be included in that letter, and always on the bill. Feel free to call us any time, we're on the east side of the Columbus area. I'm here locally. I don't work in Columbus, I work right here in Cleveland. So I can be here, at the Mayor's request, in 15 minutes from my office, it's no problem. And I'm not going to leave you. Because I was born and raised in this area, and I've been in this business for 20 years, and I'm still standing. So... Yes."

From audience: "You say you're expecting the rates to almost double?"

Mr. Kennedy: "The rate has doubled. I'm not expecting it to double, it already has doubled, from last year to this time."

From audience: "Brooklyn has a huge percentage of seniors in this community that live on fixed income. Do you have any, seeing ...(can't hear well in audience)...any recommendations?"

Mr. Kennedy: "You know, I'm working with my own community on that, and I forewarned them that the day's coming, and we could see it this year, where the pipelines just may be empty come near the end of winter. We came extremely close to that back in 2003. We were down... We have in this country three trillion cubic feet of storage space that we reserve strictly for use between November 1st and March 31st, that five month winter period, that we call it the withdrawal season. And that got so close to coming empty, I think we were down to under 400 billion cubic feet of gas, that's .4 tcf. We really came close. And with the devastations from Rita and Katrina, we possibly could see, not here in this area, not here, we are really blessed here in Ohio. If you were to see a map of East Ohio's storage facility, the entire area between Richfield and just south of ..?.. there's one massive underground storage, so we have a lot of capability here. But you could see parts of the country whose pipelines are just literally empty, because of all the production that's been lost."

From audience: "I'm talking about paying their bills."

Mr. Kennedy: "Paying their bills? I forewarned the people in Broadview Hts. that they should start to think of what's going to happen now, because of the run up in the price, if they can't afford to pay their bill, what are we going to do? There isn't enough money in the PIP programs and the HEAP programs to account for I think a catastrophic event that's coming. And I feel really, really bad for the seniors, because they're on fixed incomes, and how are they going to afford another \$800 this year to heat their homes."

President Albier: "Does anyone else have any questions? Anybody on Council? Mr. Coyne."

Councilman Coyne: "Just a comment. Thank you for your update Mr. Kennedy. As someone who works for an oil company, I'm fully aware of the problems that we face, especially after the hurricanes. It was, the problem was there before the hurricanes, that just magnified it tremendously. I was at a management meeting last week with some of our upper managers, and just the company I work for alone in damages in the New Orleans area is over \$700 million that we have to put in the economy to rebuild our infrastructure. Now that's just one oil company. So all the rest of them are in the same boat. There's tremendous damages down there. My youngest son has been down there for the last three weeks working on the relief program, and he said it's unbelievable the damages down there."

Councilman J. Frey: "Thank you Mr. Kennedy."

Mr. Kennedy: "I'm just, I'm a little bit concerned about the future, because we haven't paid attention to it for years. We knew this was coming. I just think we got complacent about it. And even though we may find, again, another short term solution, you know, I think the problem is we have to start thinking for the next generation of our kids getting there. And 20 years from now, just think of the globe as an orange. You stick a straw in it, there's only so much juice in that orange, and we're getting close to the point where all you're going to be sucking on is pulp. And believe me, we do have a problem, especially with China and India now coming up to full industrial capability and productivity. It's a situation that needs to be dealt with right now."

President Albier: "Mrs. Pucci."

Councilwoman Pucci: "Thank you Mr. Albier. There are some unspent funds, I believe it's from a Jobs and Family Services fund at the state level, and there's a big push right now for the Governor to release some of those funds to lend more assistance to the people who need the help with their heating bills. So I know that's one thing that they're looking at. I know it's not going to be enough, but it's more than what they currently have."

President Albier: "Okay, anyone else?"

Mr. Kennedy: "From the suppliers' standpoint, think of the credit situation that we bear. Most of our margins are no more, I'll be honest with you, gas is \$15 let's just say, we're getting so close we might as well call it 15. The cost of us and our margins for doing all this business, and we have to take out all of our overhead and carry the cost of that credit, is about 10 cents an mcf. Ten cents. Not much at all. And we already know there's going to be 5% of the people won't pay us at all, another 10% that will always be late, so there goes all of our profit. I mean, it's going to force a lot of suppliers and marketers out of business as well."

I have some industrials that use 100,000 mcf a month, and at \$15 that's \$1.5 million a month in gas. Now if they don't pay us or they close their doors and we're left holding that, we'll immediately close our doors."

Councilman G. Frey: "Can I ask a question then?"

Mr. Kennedy: "Yes."

Councilman G. Frey: "You raise an interesting point. Where are we on the totem pole of who gets the gas and who gets the shut-off notice? I mean, if it comes down to the capacity problem that you're talking about, ok, where the capacity gets limited, where do residential people fall on the distribution table? It's one thing about the cost, it's another about the availability."

Mr. Kennedy: "Absolutely, I hear you. And first of all, you would never be shut off for not paying your bill. You would just go to the East Ohio default rate. And we're very, very lenient with credit, by the way. But residences fall very high on the totem pole actually. They're what we call health and human needs customers. Hospitals, nursing homes, residences, apartment buildings, things like that, they don't get shut off. Industry will shut down before they shut off to heat the homes. And commercial buildings as well."

Councilman G. Frey: "Okay."

Mr. Kennedy: "Police and fire will always be there, EMS, hospitals, that sort of thing. Yes."

Councilman J. Frey: "Mr. Kennedy..."

President Albier: "Go ahead Mr. Frey."

Councilman J. Frey: "You say they'll never shut off the residences? They do. I call on..."

Mr. Kennedy: "We wouldn't. The only one that would do that would be East Ohio Gas, if they didn't pay their East Ohio Gas bill. If they don't pay the supplier, East Ohio doesn't care about us one bit."

Councilman J. Frey: "Okay, but they will shut residents off."

Mr. Kennedy: "If you weren't to pay us, at your home, I could call East Ohio till I'm blue in the face, they could care less. They would say, not my problem. They've been paying us, they've been paying a distribution rate, so... But if you weren't to pay your supply portion to us, we have no recourse."

President Albier: "Okay, thank you Mr. Kennedy."

Mr. Kennedy: "Sure, thank you."

President Albier: "Does anyone else wish to speak? Okay, we'll move onto reports from committees, commissions and boards. The first is the Public Works Committee, and that chairperson is Mr. Greg Frey."

Councilman G. Frey: "No report Mr. Albier."

President Albier: "Thank you Mr. Frey. Next is Public Safety, and the chairperson is Mrs. Kathy Pucci."

Councilwoman Pucci: "Thank you Mr. Albier. The Safety Committee did meet earlier this evening. We had several topics we discussed. The first was the issue of doing a better job of keeping the public informed on the sexual offenders that we do have living in our area. We have a consensus that we are going to post these notices that we get from the Sheriff's Department, most likely at the Rec Center. When Ms. Balzer gets back from her vacation, I'm going to get together with her, and we're going to try and figure out where a good place will be. But we do need to be aware of who these people are, and where they live, what they look like; and I think we all need to be vigilant when it comes to this, or vigilant when it comes to this topic. The second topic we discussed... Oh, I'm sorry, I had something else to add to that. We're also going to be looking into either passing an ordinance banning sexual offenders from our parks and Rec Center. Mr. Shaper's going to be doing some research into that for us. And that was modeled after an ordinance that

Mrs. Gallagher got from Brook Park. And also the possibility of passing a resolution encouraging the state to expand the regulations they have now when an offender is released, there are certain requirements, and it would be better if it was statewide, if this was part of the legislation at the state level, to ban them from parks and rec centers. So Mr. Shaper's going to report back to us on that. The second topic we discussed was POPAS, which is Police On Patrol Arresting Speeders. This is an ordinance that we do already have on the books. Basically it's a tool to address the traffic offenders. One of the areas we talked about at the meeting was especially the crosswalks at our major intersections, when the kids are going to and from school. The officers are off-duty working this POPAS patrol. The funds go into a special account, and the program becomes self-sustaining financially, basically paying for itself. We are going to be doing some more research into this. I believe there was consensus between the administration and Council to at least, once we do have all the facts, to at least give this a try on a trial basis, perhaps about six months. We had a brief discussion about what we're going to do with the old fire station, one the Fire Department moves into the new fire station. The Mayor informed us that because of the standards changing on what you need to provide for prisoners, we are going to need to have to upgrade our jail, if we're going to continue housing prisoners. So that is something we're going to look at. We need to see if it's going to be cost effective to continue to house the prisoners or take them to another facility. But we do expect to expand part of our Police Department over into the lower level of the old fire station. We also received an update on conditions at the service garage from Mr. Kappler. We had discussions back in May regarding extremely dusty conditions over at the service garage, both inside and outside. They've taken some steps for the short term. They have a water tank mounted on a truck, which sprays when it is dusty. They are sweeping out the garage once a week. And I believe he said there was a second shift now, that they're back, once a week on Friday they're going to clean out and sweep the garage, and also do a little bit more in cleaning up the equipment to try and preserve the equipment. Long-range, we are looking at adding more concrete; and we're going to address that when we do put in the animal shelter. And we will also address paving the parking lot and upgrading the sewers. And that completes my report, thank you Mr. Balbier."

President Balbier: "Thank you Mrs. Pucci. Next is the Planning Commission, and the chairperson is Mr. John Frey."

Councilman J. Frey: "I'll be brief. We had a Planning Commission meeting last Thursday, and at that meeting we had, number one, requests from John Hovevar for construction for preliminary approval of a preliminary site plan. And this outfit wants to build storage units. We really asked them to take another look at it, we had deferred it from the September meeting, and we're deferring it again until November. We do not want to see storage units on that property. It's at the end of Associate Avenue. We'd rather have either industrial or office type buildings. And there's a request from Northcliff/I-480 for sign approval. That store that is next to Marc's, you see that it's vacant, it's been vacant for some time, it's a long store. The back end fronts I-480. They want to be able to put some signage back there to let people know that I believe they have a renter, they didn't tell us who it was, but they want to put up a sign to notify the public that this building is now in operation, and they will have an enterprise there. It's some retail, I believe, but I really don't know, they haven't told us. In addition to that, they want to put banners up on the light poles around Ridge Park Square, and the banner that they showed us was looking something like the Kronheim's store. And if you remember what the Kronheim store looked like, those signs that they had were very glaring, and the Planning Commission asked them to reconsider a different coloration of these banners, rather than make the Ridge Park Square look like some kind of a circus event. And that's what they want to do, is attract more people. And I told them I think we already attract too many people as it is to Ridge Park Square. So that is under consideration and will be back at the next meeting. And then Dr. Guizzotti, the dentist on Ridge Road, has a very nice looking building. Mr. Guizzotti wants to expand his building, so he asked for preliminary site plan approval to make an addition to his building, and at the same time to put up signs at either end, both ends of the building, because one end of that building is for a doctor's office, the other end is for a dentist office. And the people going to the doctor's office are coming into the dental office and the people from the dental office going to the doctor office. He wants to put signs up to direct the people before they start entering the wrong office. So that's all I have to report."

President Balbier: "Thank you Mr. Frey. Next is the Rec Board, and I'm chairman of that committee. We only hold one meeting a month, and our next meeting will be next Monday the 17th at 6:30 in the Mayor's Court. Next is Finance, and that's Mrs. Kathy Pucci."

Councilwoman Pucci: "Thank you Mr. Balbier. The Finance Committee approved the following. Bid approval for Memphis Parkway. This is the new roadway that's going to be built over by Ferrous Metals. And this is at no cost to the City of Brooklyn. It's a \$541,000 project. And we've had several discussions about this at prior meetings, and we approved awarding the bid to Fabrizi Paving and Trucking. Ordinance 2005-35, which establishes the funds for this roadway. And Ordinance 2005-38, amending our annual appropriations ordinance. And this is also in conjunction with the roadway. This establishes the funds, or appropriates the money, \$473,699. And we had earlier done an appropriation for this item out of the Capital Improvement Fund, so this ordinance reduces the Capital Improvement Fund by \$440,000. We also received a third quarter financial update, and an update on our income tax from Mr. Fisk, and thank you Mr. Fisk for the information. Things do look better than we had initially expected. Our income tax collection is up. Right now, if everything holds, we're looking at about \$14.293 million in revenue, and 14.250 in expenditures, which would make us \$43,000 ahead. But more importantly, this also means we would not have to expend down our carryover. That completes my report, thank you Mr. Fisk."

President Balbier: "Thank you Mrs. Pucci. Next is Domestic Violence and Legislative Update, and that would be Mrs. Gallagher."

Councilwoman Gallagher: "Thank you Mr. Balbier. I would just like to remind our residents that October is Domestic Violence Awareness month. And if you have any old cell phones, please drop them off at the Brooklyn Board of Education, they can be recycled to raise funds towards the victims of domestic violence. That's it Mr. Balbier."

President Rich Balbier: "Thank you. Next is the Zoning Board of Appeals, but Mr. Ockington is not here this evening. We'll now have reports of Council, and I think I'm first tonight. I was going to talk about the gas, but we've heard enough about that for one night. Mr. Kappler, could you give us an update on the fire station? I see that wall just gets bigger and bigger down there."

Director Kappler: "Yes, I was going to give it in my report, but I'll give it now. Our fire station site work is continuing. Site work should be complete in the next four to five weeks. And this Thursday, October 13th, we'll have the bid opening for building of the station. That'll be October 13th at 2 p.m. And we'll be coming to Council with our recommendations at the October 21 meeting."

President Balbier: "Thank you. I just want to say one word about the Council race. This is the quietest race that I've seen in a long time. But four weeks from tomorrow we vote for four Council seats. And there's a few places you can meet the candidates, and the first one is the League of Women Voters on Wednesday, October 12th at 7 p.m. has a program at the Library, where the candidates can speak. And a week from tonight is the Republican Club, you can meet the candidates there also. And next Friday on the 21st you can also meet the candidates. I want to say a few words, too, about our finances. Mr. Fisk gives us all the information you could possibly want about our finances, so if any Councilman isn't at least up to par it's their own fault. And he gave us his third quarter financial status, and I just want to read a few items off of it. At the beginning it says, 'The original budget work-up for 2005 showed expenses that were 1.9 million higher than the projected revenues, and clearly not sustainable.' So in otherwords, at the beginning of this year we were looking at spending \$1.9 million more than what we were bringing in; and we only have 1.9 million in reserves. However, the city was able to reduce, make reductions of \$1 million, most of that was due to five full-time positions being eliminated, 160,000 in part-time positions were eliminated, and two unions and non-union staffs accepted wage freezes. So in otherwords, their contracts stayed the same for this year. So when you get this all down to the bottom, the last paragraph says, 'In the last quarter of the year, if it stays on project, the General Fund expenditures for the year would be 14.250 million, and revenues would be 14.93 million. Revenues would exceed expenditures by \$43,000; and the city would end the year with a balanced budget and maintain our 1.8 million balance that we began the year with.' So that's, in 10 months we've done a complete reversal, from spending 1.9 million more than what we have to having a balanced budget and having \$43,000 extra. And everybody should be proud of that, the Administration, the Finance Department, the City Council, and the employees for extending their contracts. And Mr. Fisk says one of the reasons we've been able to do this also is, like Mrs. Pucci said in her report, that the city income tax has been up 6-9% each month. So if we hold that we should at least have a balanced budget at the end of the year. And that's all I have. Mrs. Pucci."

Councilwoman Kathy Pucci: "Thank you Mr. Balbier. First I'd like to congratulate Mrs. Weiland on her Congressional appointment. All of Brooklyn is very proud of you, and I wish you good luck in this endeavor, it's quite an honor. And regarding what Mrs. Palumbo's concerns, I do think she needs to sit down with members of the Administration, and you Mayor, and I hope that this does happen quickly, because I think there are a lot of unanswered questions that we need to get answers to, and some guidance and directions. One thing I did think of, Mrs. Palumbo, then, when you were mentioning about needing something to show people who you're soliciting funds from, and that's the idea of just a conceptual drawing, which really doesn't go into all the specifics of like an architect's drawings and engineering drawings. But I do hope we can get this resolved and move forward with it. And I thank Mrs. Palumbo for all of her efforts. As Mr. Shaper said, she has been working literally day and night to make this a reality, and I thank her for that. And Mrs. Wilson, thank you for your involvement and dedication to the Domestic Violence and thank you for your donation. I know it'll be put to very good use. I had something for Mr. Ockington, but Mayor, I'm going to pass it along to you. CMHA signed an agreement with 17 cities, and basically they're going to furnish these cities with a list of the properties where the landlords accept the rent subsidies. This agency would alert a city when a new landlord agrees to take tenants from the housing choice voucher program, which was formerly known as Section 8. I know that with property maintenance issues being such a problem for us, I think we should get in on this. We're not one of the cities listed that CMHA made this agreement with. I don't know why they wouldn't inform us, but I'm going to pass this article along to you."

Mayor Patton: "Very good, thank you."

Councilwoman Pucci: "If you could please make sure Mr. Ockington follows up on this."

Mayor Patton: "He was discussing this last week, and we're seeking information, but thank you, this will help us."

Councilwoman Pucci: "Okay, thank you. That completes my report Mr. Balbier."

President Balbier: "Thank you Mrs. Pucci. Mrs. Brown."

Councilwoman Rita Brown: "Thank you Mr. Balbier. At our Safety meeting earlier this evening, we had a report on conditions at the garage, that with things that came up over the summer, and we did originally have an ordinance that said that our garbage containers could not be larger than 30 gallons. That has been changed. We were informed tonight, by union agreement, our garbage handlers have to be able to lift 50 pounds. I can see where that makes sense. Last summer I saw this skinny little kid trying to lift the trash bins, and after three days I believe he was changed to cutting grass. And I breathed a sigh of relief when I saw that he was not on the end of a garbage truck anymore. But we have big, husky boys and young men to do that job. And of course it's a benefit to them, they can increase the size of their muscles. And so that sounds good. So we will have to look into changing that ordinance, Mayor, to the new union agreement. Also, a week ago the animal shelter sponsored a doggy walk-a-thon that was very successful. And I was, not being a pet owner, I was amazed at how the animals socialize. And there was one animal seemed to bark a lot. He was kind of misbehaved. But the rest of the animals were really well behaved. And I have to tell you, I had the best behaved dog there. I brought my stuffed Browns dog, and he was very proud. Also, a meeting or two ago I had mentioned that Giant Eagle had really wanted to build one of their gas stations in our area, and of course, where they're located, they could not build a gas station. But the calls were, why can't they go at that empty lot at Ridge and Biddulph? Well in conversation with some people at Giant Eagle from Pittsburg, they have been in contact trying to obtain that lot to build a gas station there, and they were turned down. I was told that they had a meeting with Brooklyn City Hall staff. And I said, who at City Hall staff has the authority to turn down a proposal. I still haven't found anymore than that, but I understand that the lot was purchased by a dentist or a doctor or someone. I don't know if Giant Eagle is still pursuing that section of land or not. But it would be nice to have one a little closer to home, with the savings that they are providing, for the people who shop at their store. Some people have been keeping their receipts, they have three or \$400 in receipts, they'll take them to a gas station and get 10 cents off on a gallon of gas. And some of them go away with having a gas bill for their automobile of \$15. Hey, you know, that sounds pretty good to me; I would like to see something happen in that area. Let me see. And that takes care of my report tonight. Thank you."

President Balbier: "Thank you Mrs. Brown. Mrs. Gallagher."

Councilwoman Colleen Gallagher: "Thank you Mr. Balbier. Good evening ladies and gentlemen. I'd like to take the opportunity to thank both Helen Wilson and the Deaconess volunteers for their generous donation for our Domestic Violence Committee. As chairman of this Committee, I am very proud of this diverse group who strives to provide assistance to victims of domestic violence. With this donation to the Domestic Violence Committee, we will be able to print the informational pamphlets we have worked on these past few months. So Helen, thank you again. Tonight we held a Safety meeting to discuss legislation which would prevent convicted sexual offenders from our parks, playgrounds and recreation center. As I stated at our last meeting, Brooklyn has nine sexual offenders who are sexually oriented, which is a lesser charge and does not require a community notification. I believe this legislation would deter sexual offenders from the places where our children play. It would also give our police another tool to prosecute these offenders. Although the charge is criminal trespassing, I believe this heightens the awareness and will assist in protecting our community. If you as a resident are interested in community safety, here are some helpful tips. Talk openly about the sexual assaults of adults and children, men, women, boys and girls. Understand the issues involved in sexual assaults. Know the statistics. Assume preventing sexual assault is everyone's responsibility. Talk to your children about personal safety issues as they relate to child sexual abuse. Do this when you talk to your children about bike safety, crossing the street, or talking to strangers. It is in many ways just another personal safety rule about which children need to be aware. Increase your knowledge about risk reduction measures you can take to protect yourself. Invite your local law enforcement, probation, parole department, rape crisis center, or child abuse prevention organization to a neighborhood discussion group to learn about the issues, and to process people's emotion. Get to know your neighbors. Organize neighborhood block watches, if desired by your neighbors. Do not wait until you are informed that a sexual offender is living nearby, begin educating yourself and family on issues of sexual assault. Find out what the statistics on child sexual abuse, adult sexual assault, offender arrests and incarceration are in your community. And be aware of the media's ability to sensationalize the most horrific of stories concerning the sexual assault of children or adults. These stories, while real and very frightening, are not the norm. This was taken off the Attorney General's website and the Megan's Law. And Mr. Shaper, our Law Director, will research this legislation and get back to us for next Council meeting. In the last six months I have been networking with other cities to heighten our commitment to safety and awareness. In the future I would like to see our safety forces foster better communications between citizens and our safety forces through education. First, I would like to see our city implement a 12-week community police academy, which would allow a resident to learn police procedures, from fingerprinting to driving a patrol car, and a teen academy, which would offer similar experience for students. Citizens involved with the community in some way, such as youth involvement, neighborhood watch, and neighborhood groups could be very important to the academy. Another program which we could offer would be a home firearms safety for adults, which would offer instruction on firearm use and safety. We could also reach out to our younger students and teach them about gun safety. Graduates of the academy in our community are encouraged to share their knowledge and experience. Our city would benefit from enhancing residents' understanding of the role and function of our Police Department. Also we could offer a program to high school students on training students who are considering a career in firefighting and emergency medical service careers. Mayor, if we could sit down and talk about these programs, I feel these programs could benefit our city. And Mr. Kappler, since you're our sign man, I have two items for your attention."

Director Kappler: "Okay."

Councilwoman Gallagher: "At 4811 Ridge Road, the residents who live there need our assistance. They are unable to exit their driveway because they are close to the Ridge Park Square light, and are constantly blocked in. So they ask that, I guess we removed a Do Not Block Drive sign on the utility pole, and we put up another sign that was just on a green pole there, and they want the sign back up on the pole. So if you can go over and look at it tomorrow morning and get back to me, they're very upset over there."

Director Kappler: "Sure."

Councilwoman Gallagher: "And also at 4305 Newberry, the no parking sign has to be moved a couple of feet because it allows just enough room for a car to park and block the owner's driveway. So if you could look at that too I would appreciate it."

Director Kappler: "Okay."

Councilwoman Gallagher: "And Mrs. Palumbo, I also would like to thank you for your hard work and dedication on this animal shelter. As I've been walking door to door and meeting residents, they're pretty excited about this animal shelter. So I will do everything possible to work with you, and I hope the city keeps moving forward so we can have this reality a dream. So thanks again. And I just want to congratulate Lynn Wieland on your Congressional appointment. And that completes my report."

President Balbier: "Thank you Mrs. Gallagher. Mr. Greg Frey."

Councilman Greg Frey: "Thank you Mr. Balbier. I'd like to add my congratulations to Mrs. Wieland, and also to Mrs. Wilson, and Mr. Wilson. You often hear me talk about the families in Brooklyn and the contributions that we make. This is another example of the kinds of people that we have in this town that just, in the going about of their daily lives, do good things that impact just a lot of our people. So thank you very much for what you do, thank you for your contributions. The other thing I want to talk about tonight, Mr. Fisk, I'm going to upset you, Mayor Patton, I'm probably going to upset you. But we are now in a situation where the General Fund receives 88% of the revenue, the Capital Improvement Fund receives 12% of the income tax, and we did that for budgetary reasons last year. I just wanted to make a point that I don't think of that as a permanent arrangement, okay. I would hope that as our finances improve we are able to go back to our traditional 85/15 funding. But I want to make a suggestion as well while I'm at it. When we go back to that funding, I would like to see some of those initial funds set aside as a budget item so that we can start asphaltting street where we've made concrete repairs. And further, I think we ought to start in the area of Delora, Northcliff, Archmere. That section of town we have made a lot of concrete repairs over there in the last few years. I know we have some to go. Hopefully we'll be able to get those concrete repairs done over there; and then, as our funds allow, if we could set up a budget item to start putting a nice asphalt layer down and improve those neighborhoods, I think it would be a big improvement in those neighborhoods. So I put that out there for your consideration. And I think that completes my report tonight, thank you."

President Balbier: "Thank you Mr. Frey. Mr. Coyne."

Councilman Tom Coyne: "Thank you Mr. Balbier. Congratulations Lynn Edwards, Lynn Wieland, I'm sorry, on her appointment to the Aging Policy Conference. And to the Wilsons, to Ed Zorn, to all the people that dedicate time and effort to making Brooklyn a better place to live, we appreciate your efforts. To Shirley Palumbo, I would hope that the Mayor would take the time to meet with you so that we could move forward on the animal shelter as rapidly as possible. Thanks also to Kay Hutkay and Rita Enovitch for another very successful Octoberfest. I don't even know how many of them it's been so far, but it's been going on for years and years. My thanks, and the thanks of the residents who brought it to my attention also, on the quick response to the Biddulph watermain leak a couple weeks ago. I called in on it the morning I saw it on my way to work, and the Cleveland Water Department repaired the leak very rapidly, and followed by our Service Department who repaired the street. And they did an excellent job from what I can see. Questions were asked to me about our policy on the repairs. Mayor, could you, someone who has served as a former Service Director for many years, update the residents on the procedure followed on waterline utility repairs on our city streets?"

Mayor Patton: "I'll defer that to Mr. Kappler. Why don't you update us Bob."

Director Kappler: "Sure. Cleveland Water answers complaints for a water leak, we'll start with a street, and they'll come out and they'll test, locate the problem, cut a hole in the street, do the repair. The next working day they will notify us that they are there, you know, if it's overnight. They do notify us as soon as they possibly can. Then they'll give us notification of completion. When we receive that notification of completion, our concrete crews go back and do the street repair. And then that information, we have an hourly rate we charge for our operator, for our equipment and our concrete crew, and we do a charge back to the City of Cleveland. And we have 30 days to do this. So then we issue the charge, we send it registered mail to the City of Cleveland, and they eventually do pay us for our repairs."

Councilman Coyne: "So they pay all the bills, our people do the work."

Director Kappler: "That is correct. They pay our labor and material bills."

Councilman Coyne: "Okay, that's what I thought it was. One of the reasons the residents were asking me was, Tiedeman Road, which there were former utility repairs on it, have not been repaired correctly. Anybody that's driven up on Tiedeman knows there are four or five areas in the Key Corp/480 area..."

Director Kappler: "Those are scheduled to be repaired by our crews in the next couple of weeks."

Councilman Coyne: "Okay, because the one by Cracker Barrel's been there for a long, long time..."

Director Kappler: "That is correct."

Councilman Coyne: "...and it's in very bad condition. It needs immediate repair with the coming of winter."

Director Kappler: "They will be done before winter. There's also one in the middle of Memphis and Tiedeman, and that intersection needs to be repaired."

Councilman Coyne: "Okay. I know when Mayor Patton was Service Director he used to comment to me on how Mayor Coyne used to drive around with him on the city streets and mark off areas that needed to be done. Perhaps it's time to reinstate that practice, since it took a heck of a long time on Tiedeman to get repairs done on that. That's all I had. Thank you."

President Balbier: "Thank you Mr. Coyne. Mr. John Frey."

Councilman John Frey: "Thank you Mr. Balbier. I support, Gregory, your suggestion that we turn some of that money to the Capital Improvement program. And to the budget into the Capital Improvement area, because Capital Improvement money is spent by the Council on some of these pet projects that we have, and we'd like to see done. And fixing the streets is number one. I'd also like to have a letter maybe, accommodation, Mayor, sent to the people that run the Terrace apartments. The landscaping around that facility is absolutely beautiful. It's across from the cemetery on Biddulph Road. And I think we ought to compliment then on what a great job they do on keeping their grounds up and beautiful. As far as that gas station from Giant Eagle, that's been brought up by the Planning Commission, and kind of hasn't had too much thought along the line, because I don't think we want a gas station there. And you've seen some of these gas stations where there's nine or 10 or 15 or 20 cents a gallon knocked off on a given day or a given promotion, and you can't get near the station. I don't think we want that happening at Biddulph and Ridge. As far as I'm concerned, there won't be a Get-Go station either in the Giant Eagle parking lot or at the corner of Biddulph and Ridge. I don't think the people in that area would appreciate it. We've had one before, and it wasn't, it was an eyesore. And I think Giant Eagle not only wants a gas station, they want to be able to sell other commodities out with that. So I really don't hold out much hope for a Get-Go in the neighborhood. It's a good concept, but I certainly can't support putting a gas station in. I don't think neighbors would like it. The traffic congestion, the problem at Biddulph and Ridge right now, is difficult. We don't want to add to it. So I wish people would not have the problem of calling and asking that they want a Get-Go, what do you call it, Get-Go station, because I don't believe it's good for the area. And as you know, it is election year, and signs are popping up like mushrooms now. And by the time the other six or eight candidates get signs out there, this is going to be a colorful city. So enjoy the ride, and hopefully you'll be able to see some of the landscape in between the signs. I'm sure we'll have a... I think somebody said it's a very quiet season. Well the season has just begun. One month before election. So tighten your seatbelts, it ought to be a pretty much hay ride from here on till November, when's the election, 9th, 10th 8th? So good luck. And I'd like to thank everybody and anybody that's done anything for anyone. I hope that gets you all. That's all I have."

President Balbier: "That's a pretty broad statement."

Councilman J. Frey: "Yes it is."

President Balbier: "Thank you Mr. Frey. We'll next have the Mayor's report."

Mayor Ken Patton: "I'd like to thank Mr. Zorn. You brought up some good points. We did mention last week that we all have to become educated consumers. And your case, or your contract, with your supplier may be a little different than what Volunteer Energy Services is offering. You may have an option that you don't realize, that you might be able to get a lesser costing gas this winter. So please pay attention to your

situation. Mrs. Wieland, when you get back from Washington, I wonder if you could stop in and give us a report on the federal plans, it'd be great. Congratulations, that's a very distinct honor. Pertaining to the Giant Eagle gas station that's been discussed, it never came to Planning Commission. And we had no knowledge of them talking to the private owners at the corner of Biddulph and Ridge. It's the first I heard about it this evening. When it did come up, it was the same architect that put in the K-Mart and also the Sam's Club gas stations, asking about it. He never followed up and came to Planning Commission. And I walked Biddulph Road from Ridge to the eastern corp line and couldn't find one Brooklyn resident that was in favor of a gas station. I'd also like to thank the Deaconess Corporation and Helen Wilson for presenting that donation this evening. It's very kind, and we will send a letter of thank you back. At this time I'd like Council's confirmation on Judy Basniak of 6808 Northcliff Avenue to become a member of Domestic Abuse Committee. She currently works for the Children and Family Services."

Councilwoman Pucci: "Move to approve Mrs. Basniak."

Councilman Coyne: "Second."

Councilwoman Brown: "Second."

Councilwoman Gallagher: "Second."

Clerk Fisk: "To approve Mrs. Judy Basniak for the Council position on Domestic Violence, Rich Balbier."

"Kathy Pucci."

"Rita Brown."

"Colleen Gallagher."

"Greg Frey."

"Tom Coyne."

"John Frey."

Councilman Balbier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

Councilwoman Gallagher: "Yea."

Councilman G. Frey: "Yea."

Councilman Coyne: "Yea."

Councilman J. Frey: "Yea."

Mayor Patton: "Thank you very much. Congratulations Judy. I'm also going to be interviewing a person who's interested this week, hopefully by next meeting I could get your extra member in there. A letter from Adelphia. Beginning November 1, 2005 Adelphia will launch the Ohio Channel on channel 181 on basic digital service. The Ohio Channel combines gavel to gavel coverage of the Ohio State Legislature and also the Ohio Supreme Court, with Ohio public television documentaries. So that will be a new station. And we could get a little more information from Columbus. I'd like to proclaim the month of October as National Cancer Awareness Month in the City of Brooklyn. And I would like to offer our employees four hours, if they choose, to get checked for any type of cancer. And they would be paid provided they would bring back the doctor's slip as proof that they had went."

Councilwoman Pucci: "Do we need approval?"

Mayor Patton: "Yes please."

Councilwoman Pucci: "Move to approve."

Councilwoman Gallagher: "Second."

Councilwoman Brown: "Second."

Clerk Fisk: "To approve the use of four hours for employees for cancer checks, Rich Balbier."

"Kathy Pucci."

"Rita Brown."

"Colleen Gallagher."

"Greg Frey."

"Tom Coyne."

"John Frey."

Councilman Balbier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

Councilwoman Gallagher: "Yea."

Councilman G. Frey: "Yea."

Councilman Coyne: "Yea."

Councilman J. Frey: "Yea."

Mayor Patton: "That's being promoted by the US Conference of Mayors. Many cities are doing that, and we have some employees with cancer, and we want to make sure that we follow up on that. And everyone should get checked at least once a year. Speaking of public meetings, in the past we have always held a public meeting when it pertains to different amendments and options and issues that are on the ballot. Well this year we have four Charter amendments, precinct K has one option, there's two county issues, there's five state issues, there's three candidates for two seats on school board, and there's eight candidates for four seats on Council. So we're going to hold a public meeting Thursday, November 3rd at 7 p.m. in our Senior Center. We will have speakers to let us know what the amendments are for our Charter, what the precinct K option is, what our county issues are, and also the state issues. Candidates will be given three minutes to have a talk, and there will be no questions asked afterwards. They can meet with you, if you so choose, after that meeting. But that's November 3rd, it's a Thursday, 7:00 over at our Senior Center. Flu shots. Again, the flu shots that are going to be given October 17th at the Senior Center are filled up. There's approximately 300 Brooklyn residents getting their shots. An option is coming up at Tops on October 31st from 3-7 p.m. Flu shots will be given at Tops. Okay, moving down. Don't forget Sunday, November 13th from 9-1 is the annual fall pancake breakfast over at the Senior Center. The cost is \$4, children six years of age or under are free, and tickets are available, and everyone is welcome. Cleveland Sight Center will be at the Senior Center on October 20th. Make your appointment at the center. Also, a hearing test is available on October 25th. Please call ahead for your appointments. Lutheran Hospital provides blood pressure readings every Tuesday between 1-2:20 at the Senior Center. You don't have to be a senior, anyone can walk in and get their blood pressure checked. And also our paramedics are there the second and fourth Thursdays, which this month it's October 13th and October 27th. And they're there from 10-11:00. The Common Thread Quilt Club is hosting their show, and it'll be at the Senior Center October 29th and 30th. The doors open at 10 a.m. Admission is \$3. Free admission for Brooklyn seniors with complimentary tickets available at the Brooklyn Senior Center reception desk. Most important, we're talking about gas bills, okay, application for Home Energy Assistance Program, HEAP it's called, H-E-A-P, opens in September and ends March 31, 2006. This program helps low income persons meet the high cost of home heating. To qualify, applicants must meet the total household income guidelines. Households must report total gross household income for the past 12 months for all members except wage or salary income earned by independent minors under the age of 18. Both homeowners and renters are eligible for this assistance. Only those who live in federally subsidized housing where heat is included in the rent are not eligible. In addition to proof of income, HEAP applicants must submit a copy of recent fuel bill or a utility bill. Applications will be available at the Brooklyn Senior Center, community action agencies, library, county departments of Job and Family Services, area and utility offices. Laurel Garden Club will have their second annual tea. There's going to be a fashion show by Dress Barn, a Chinese raffle. Tickets are limited. The tea party will be held at the Brooklyn Community-Senior Center October 23, 2005 from 1-4. The cost is \$20 and you could purchase your tickets at the Senior Center desk or call Barb Stanton at 398-5306. The Brooklyn Republican Club, Monday, October 17th between 5:30-7 will host a spaghetti dinner. \$5 in advance, \$6 at the door. And at 7 p.m. there will be candidates' night for Brooklyn City Council and Brooklyn School Board members. For information you can call 351-8350. And that is my report."

President Balbier: "Thank you Mayor. We'll now have the directors' reports, and the first is the Finance Director, and that's Mr. Fisk."

Director Fisk: "Thank you Mr. President. I have no report tonight."

President Balbier: "Next is the Service Department, and that's Mr. Kappler."

Director Kappler: "Thank you Mr. Balbier. Our senior grass program ended our first week of October. Everyone received their 22 cuts. It was extended one week to get the final cut in. Our streets program, our contractors, Konstruction King and Specialized Construction, have completed their work in the city this year. Konstruction King completed the concrete work the third week of August, and cracksealing was completed September 30th. Our in-house crews have completed the intersections of Sunny Lane and Shady Lane, Archmere and Pelham. The sidewalks on Ivywood are also completed. And they've completed various Cleveland Water street openings. They've done two sections of Elizabeth Lane, and they are continuing the work on Ira. And that completes my report. I gave the earlier update on the fire station."

President Balbier: "Thank you Mr. Kappler. Next is the Building Department, but Mr. Ockington is not here this evening, so we'll go to the Police Department and Chief Murphy."

Chief Murphy: "No report President Albier."

President Albier: "The Fire Chief is also absent this evening. The Law Department, Mr. Shaper."

Director Shaper: "No report."

President Albier: "Okay, and the Rec Department Director..."

Mayor Patton: "She's on vacation."

President Albier: "She's on vacation. So now we'll move to bid approval of Memphis Parkway. And I'm going to explain this so everybody knows what this is all about."

Mayor Patton: "Do you have to do comments first?"

President Albier: "No, that's afterwards."

Mayor Patton: "Okay."

President Albier: "Down at the west end of Memphis there's a traffic light, just before you go under the underpass into Linndale, and there's a road there that goes back to two companies, Gateway Park and Ferrous Metals. Well we want to make that a dedicated street, because it would also open up, it would be like an industrial parkway, really. And it'll open up that property to the west there where Hill's and Gold Circle used to be, and maybe that'll attract more business. And this is the way it's got to be funded. The Cuyahoga County Department of Development will pay \$214,333. The Cuyahoga County Department of MRDD will pay 14,000. The State of Ohio Department of Development, \$50,000. The Cuyahoga County Engineer's office will give in-kind services of 60,000. And that's primarily inspection. Private funds in escrow from the previous owners of the property will pay, will contribute \$16,000. Private funding from Gateway will be \$68,663. Private funding from Ferrous Metal Processing Company will be \$118,663. And the City of Brooklyn will pay zero. So you add these all up it comes to \$541,660. So the city put this out for bidding, and it'll be called Memphis Parkway for the time being. That name could change, but that's what we're going to refer to. It went out for bids, and four bids came in, and the lowest bid was Fabrizi Trucking and Paving for \$464,460. And the city wishes Council to approve this bid."

Councilman J. Frey: "I move we approve."

Councilwoman Pucci: "Second."

Councilman Coyne: "Second."

Clerk Fisk: "To approve the bid for Memphis Parkway, Rich Albier." Councilman Albier: "Yea."

"Kathy Pucci."

Councilwoman Pucci: "Yea."

"Rita Brown."

Councilwoman Brown: "Yea."

"Colleen Gallagher."

Councilwoman Gallagher: "Yea."

"Greg Frey."

Councilman G. Frey: "Yea."

"Tom Coyne."

Councilman Coyne: "Yea."

"John Frey."

Councilman J. Frey: "Yea."

President Albier: "The next item is a liquor permit request by Carrabba's. What is that about Mr. Fisk?"

Clerk Fisk: "They're changing the names."

President Albier: "Just changing the names. Does anybody have any objections? Chief Murphy?"

Chief Murphy: "No, the Police Department has no objections."

Councilwoman Pucci: "They're changing the name of the owner, is that it?"

Clerk Fisk: "It's changing from Carrabba's Ohio LTD Partnership to Carrabba's Mideast LTD Partnership dba Carrabba's Italian Grill."

Councilwoman Pucci: "Okay. Do we need a vote of no objection?"

Clerk Fisk: "We need a vote of no objection."

Councilwoman Pucci: "Okay, I move no objection."

Councilman Coyne: "Second."

Clerk Fisk: "To approve, no objection, Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."

Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."

President Albier: "We have several monthly reports. One of them is from the Rec Center. And Mayor, she's not here tonight, and I notice there's no total at the end, so maybe she can total it next time. And the next one is from the Senior Center. And the next one's from the Brooklyn Mayor's Court. And total monies taken in for the month of September was \$50,080.60. And the fire station turned in their report. They had a total loss due to fires for the month of \$74,000. Anybody can review any of these reports at City Hall. Now we have audience remarks pertaining to the legislation on the agenda, and there's two ordinances tonight, if anybody wishes to comment on them they can come forward at this point. If not, we'll move on. The first ordinance is **2000(2005)-35**. An Ordinance establishing the Ferrous/Gateway Roadway Construction Fund."

Councilman Coyne: "Introduced by all, suspend the rules."

Councilwoman Pucci: "Second."

Clerk Fisk: "To suspend the rules, Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."

Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."

Clerk Fisk: "To approve Ordinance 2005-35, Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."

Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."

President Albier: "And the next one is **ORDINANCE 2005-38**, Amended annual appropriations."

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilman Coyne: "Second."

Clerk Fisk: "To suspend the rules, Rich Albier."
"Kathy Pucci."

Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."

"Rita Brown."
"Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."

Councilwoman Brown: "Yea."
Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."

Clerk Fisk: "To approve Ordinance 2005-38, Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."

Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."

President Albier: "Does any member of Council or the Mayor have anything else they wish to bring before
Council this evening?"

Councilwoman Pucci: "May I be recognized Mr. Albier?"

President Albier: "Mrs. Pucci."

Councilwoman Pucci: "Greg and John, I just want to go on the record saying that, regarding the income tax split between the General Fund and the Capital Improvement Fund, I'm on the same page with you. I brought this up actually to Mr. Fisk last week, because I am very anxious to return to that 85/15 split. Mr. Fisk did inform me that he's not forecasting at this point to be able to return to that; but I think when we start working on the budget for 2006 we need to take a serious look at that. And also, Donna, regarding the minutes from the weekly fire station meetings, do you know who's supposed to e-mail those to us? If it's supposed to be someone from the city, or if it's supposed to be Roger?"

Mrs. Thompson: "They're supposed to provide me a PDF file and they haven't, they did not provide that."

Councilwoman Pucci: "Okay, but when they do you're going to make sure that you give us the e-mail?"

Mrs. Thompson: "Yes. I have all your e-mail addresses ready to go."

Councilwoman Pucci: "Okay, thank you."

Councilman J. Frey: "I move we adjourn."

Councilwoman Pucci: "Second."

Clerk Fisk: "To adjourn, Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."
"Greg Frey."
"Tom Coyne."
"John Frey."

Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."

Meeting adjourned at

Clerk of Council

M A Y O R